

NATIONAL DEFENCE UNIVERSITY

Durand Line

Historical & Cultural Perspective

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Durand Line was the demarcation of the British India with Afghanistan

Durand Line , A Historical Perspective

Introduction.

Pakistan and Afghanistan both have historical cultural, ethnic and religious ties that spread over a thousand years. The very first Muslim empire established at Delhi in the 11th century was created by the Afghans and in different forms they remained in power or as king makers till the creation of Pakistan, the question then arises ,why these two countries despite having such a strong bond never had good relations¹. One major irritant is the Durand Line the boundary between the two countries that was drawn in 1893 between the British India and the King of Afghanistan and it remained in vogue till the creation of Pakistan in 1947 after which Afghanistan raised the issue of Durand Line by highlighting the plight of the Pashto speaking population that was divided along the line and till to date it is the core issue between two countries with after the creation of Pakistan ‘almost all Afghan governments have denied the legitimacy of the Durand Line, rejecting the idea that it represents the legal international border between Pakistan and Afghanistan’.²

Pakistan today is a front line country in war against terror in which Afghanistan is the other key country, Pakistan on the one hand has emerged as the bastion of Islamic values and on the other hand is the most technological advanced Muslim country in the region and is the sole nuclear power of Islamic Ummah coupled with a strong 160 million population, as such Pakistan needs outlets in the region for its economic prosperity which has been seriously hampered by the events in Afghanistan in last three decades .The emergence of independent Islamic states in Central Asia as an aftermath of the Russian invasion and failure in Afghanistan has opened a new vista for Pakistan as all these states {Tajikistan, Turkmenistan, Uzbekistan} are bestowed with abundant natural resources in form of petroleum and natural gas both of which are in dire needs by the Pakistan. The Durand Line extends approximately 1200 miles³ from the Sarikol range in the north to the Iranian border in the southwest. Durand Line has scattered tribes living in the area since long is very scarcely populated yet heavily armed. The provinces of Baluchistan, North West Frontier Province (NWFP) and Federally Administered Tribal Areas (FATA) are on the eastern side of the Durand Line and form the western border of Pakistan. On Afghanistan’s side of the Durand Line are the provinces of Nimruz, Helmand, Kandahar, Zabol, Paktika, Paktia, Nangarhar, Konar, Nuristan, and Badakshan⁴.

Aim of the paper is to analyze the historical perspective of Durand Line.

¹ Ali ,Mehrunnisa, Ed, *Readings in Pakistan Foreign Policy 1971-1998* {Oxford,Karachi,2001 }pp,330-332.

² The American Institute of Afghan Studies “The Durand Line: History, Consequences and Future.” Nov 2007. http://www.hollingscenter.org/Reports/07-2007_Durand_Line.pdf (accessed January 8, 2011).

³ Mujtaba Razvi, *The Frontiers of Pakistan, a Study of frontier Problems in Pakistan’s Foreign Policy* {National,Karachi,1971 }p 143.

⁴ Muhammad Qaiser Janjua. "[In the Shadow of the Durand Line: Security, Stability, and the Future of Pakistan and Afghanistan](#)". Naval Postgraduate School, Monterrey, California, p22

Afghanistan and India 'Cultural Clash'.

Indian civilization prospered and flourished around River Indus⁵ before it was invaded by the Aryans who originated in the Central Asia . These Aryans or mountainous people thus gained a psychological superiority over the plain dwellers. With the advent of Islam in 6th century and later conquest of Persia and Central Asia from 712 AD onwards resulted in emergence of Central Asia as a bastion of Islam. Afghanistan was not a country at that era in same sense as one talks of Persia of that time. The society dwelled around the mountains and a tribal system which was a direct descendent of Old Testament flourished in mountainous region of Hindu Kush, a kind of controlled anarchy, where all the tribes were independent to run their affairs which amounted mainly in livestock breeding and raids on the caravans and low lying villages astride the foothills . It was Turks who established ,fermented and expanded these militant tribes under one ruler and very first mountain empire emerged at Ghazna⁶. The seventeen or more attacks by Mahmood of Ghazna at the end of first millennium on India and more specifically on rich Hindu temples not only eternally demoralized the Hindoos but also set the foundation of a Muslim sultanate at Delhi in 1100 AD, this sultanate later expanded and captured Bengal.

The bloodline of this empire were the Afghans and Turks Muslims which formed the fighting backbone of the military and ruling junta. The invasion of Tamerlane in 1399 and before him the Mongols in 12th century both originating from the Central Asia once again engraved the racial superiority of the mountain dwellers since Tamerlane had specifically targeted the Hindu population thus the religious supremacy of Islam over the non believers remained intact. Mughul Empire was established by Babur of Ferghana in 15260 after crushing the Muslim Sultan of Delhi, {Sultan Lodhi was an Afghan} Mughul empire later not only protected the native population from the raids of mountain tribes of Afghanistan but also adopted a more liberal approach towards the non believers with varying degree of freedom. Afghanistan did not existed as a country under Mughuls⁷, Kabul the main city acted as a base camp for the Babur, other important cities like Kandahar, Heart, Khiva, Bukhara were ruled by the native tribes and might is right was the law ,it was Akbar the Great who had Kandhar under his rule, another Mughul King Shah Jehan did tried to capture the Central Asia and was successful for a short time to keep imperial forces at Ferghana. Western part of Afghanistan remained under control of Persian before the Hostilak rebellion of 1720 which again put the Kandharis in power.In 1738 Delhi was ravaged first by the Persian Nadir Shah and later in 1763 by the Afghan Ahmed Shah Abdalli who in true sense is the founder of modern day Afghanistan. He kept Lahore, Kashmir and Multan as provinces of his Afghan empire and from this point in history the cultural clash took a new shape in the form of religious animosity between the Afghan Muslims and the Punjabi Sikhs.

Sikhism took birth in Punjab in 1520 AD and despite having Muslim sufi saints teachings as part of their religion they were prosecuted ruthlessly by the Aurangzeb and as such when the Abdalli's forces were marching back to the mountain retreat they were attacked by the Sikh bands. In 1799 the Sikhs finally captured Lahore and within years had

⁵ Mortimer Wheeler, *Early India and Pakistan to Ashoka*, {Frederick,New York,1959}.pp 94-95

⁶ ,Syed ,Ikram. *Modern Muslim India And the Birth Of Pakistan*{Islamic Culture ,Lahore,2000}pp 61-66

⁷ Charles, Miller, *Khyber,The Story Of The North West Frontier*, {Mcdonald & Jane's London,1977} ,pp xiii

the Kashmir, Multan and Peshawar under their control, for the first time in a thousand years the martial supremacy of the mountain dwellers of Hindu Kush was broken by the native dwellers of plains of India.

Sikhs did not have an easy and comprehensive control over the territory and people living on the Western bank of River Indus yet through a blend of diplomacy and militancy Ranjeet was able to have his forces in Peshawar⁸ and for a short time had the control over the Khyber Pass as well. The Kabul and Lahore thus remained embroiled in a constant war of attrition. The tribes inhabiting the mountainous region remained independent and owed no allegiance to any ruler however the religious and ethnic commonality bounded them together against Sikhs furthermore the tribes internal feuds were such that they were erratic and unpredictable in their conduct, looting, levying of taxes on trade and forces passing through their area of influence were the cornerstone of their economy. Ranjeet Singh had kept the Kashmir under the Dogra rulers in a semi autonomous state. Kashmir at that time had no well defined boundary in the North, West and East. Dogras expanded the frontiers of Kashmir in these three directions and were able to capture the Gilgit, Skardu, Laddakh and also made inroads into tribal territory of Marghalla and Hazara hills. Ranjeet Singh also staked claims on Eastern Afghanistan⁹.

Great Game ,The Rivalry Between Russia & British India.

The political and military rivalry of European continent also had its effects on the sub continental politics, initially British had apprehensions about the Napoleon's advance towards the India which were later replaced by the Russians after the treaty of Vienna in 1815. By this time in history the area West of present day Afghanistan was a conglomeration of independent small valley states all Islamic in nature like Khiva and Merv¹⁰, these were captured by the Russians therefore British in order to keep an eye on the affairs wanted to have a friendly and a subservient ruler in Kabul which was under control of Dost Muhammad. British failed in diplomacy to achieve their aim and therefore the first Anglo Afghan war started in 1839. Ranjeet Singh did not allow troops of BEIC to march through his territory which was the most feasible in terms of logistics. The first Anglo Afghan war resulted for a brief time to have a friendly Afghan ruler, the Shah Shuja at Kabul, however Afghans revolted against Shah Shuja and British Consulate at Kabul was burnt in 1841¹¹, thus ended the sphere of influence in Afghanistan for the British.

'First Afghan war could not pass and die down and disappear leaving no trace behind, the ripples of that most disastrous adventure spread far and wide till they infected every Afghan all along the miles of frontier from Pamirs to the Persian desert...they spread into India and into the hearts of Bengal army...it echoed into St Petersburg'.¹²

⁸ Khullar, *Maharaja Ranjit Singh*. {Hem, New Delhi, 1980}. pp-48-52, pp 121-129

⁹ Miller, *Khyber*, p xv

¹⁰ Anila, Bali .*THE RUSSO-AFGHAN BOUNDARY DEMARCATION 1884-95: BRITAIN AND THE RUSSIAN THREAT TO THE SECURITY OF INDIA*, {School of Humanities, University of Ulster. Thesis submitted for the degree of D.Phil. 1985}. pp 25-27

¹¹ Azmat, Hayat, *The Durand Line its Geo-Strategic Importance* { Area Study Centre, University of Peshawar, 2000} pp 63-64

¹² Ibid p, 64

The annexation of the Punjab in 1846 brought forward the BEIC troops to the banks of River Indus the traditional natural boundary between two civilizations, on the Western bank were the foothills. BEIC and especially the lieutenant governor of Punjab, Lawrence were adamant to protect the subject population inhabiting the forward edge of British Empire, BEIC had taken over the legal responsibility of Ranjeet Singh's empire which by itself was based upon the tacit mixture of diplomacy and militancy. Area West of River Indus from Peshawar down South Dera Ghazi Khan was divided into six Frontier Districts {FD} a separate force the Punjab Irregular Force{PIF} was also raised which was put under command of Punjab Government instead of a central command¹³. Between 1849-1854 over eighteen military punitive expeditions¹⁴ were conducted to punish the tribes for their acts of hostility that included looting of caravans and attacks on BEIC, which from tribes perspective was nothing new.

First Afghan –Anglo Treaty 1855 ,a treaty was signed between the John Lawrence chief commissioner of Punjab and Dost Muhammad the Walee of Kabul at Peshawar on 30th March 1855 ,it had three articles and it was a treaty in which both parties expressed perpetual peace and friendship, not to intervene in each others territories and also acknowledging the sovereignty of each other over their respective areas, Dost Muhammad agreed to be an 'enemy of enemies of honorable East India Company'¹⁵. Another treaty was signed in Peshawar on 26th January 1857,in which British agreed to pay the Dost Muhammad one lakh rupees per month for his assistance against the Persian which had captured Herat along with 4000 muskets¹⁶.

Thus it all came back to square zero for the British yet the threat of Russia was still looming. In Post 1857 the War Office and politicians in London especially prime ministers Disraeli and Gladstone had varying policy on countering the Russian threat, one school of thought favored a 'Forward Policy' which promoted an aggressive posture having British military contingents stationed as far forward as possible there by making Afghanistan a dependency of British India, the other school of thought favoured an isolationist policy¹⁷,there by rejecting the very idea of any Russian invasion to India as not practical, they considered River Indus as an viable and economical defense line¹⁸.

Britain engineered the western borders of Afghanistan and Russians also agreed on having a clear sphere of influence, a treaty was signed with Russia on the extent of spheres of both empires in 1873 which later became the boundary between Afghanistan and Russia. Amir of Afghanistan was not consulted .

"The Oxus was accepted as the basis of the yet un-demarcated northern boundary of Afghanistan. The main results were: (1) establishment of the Oxus as the dividing line between Afghan and Russian territory. (2) Russia's formal exclusion of Afghanistan from its sphere of influence, and (3) acceptance by the British of eventual absorption by Russia of all

¹³ Timothy Robert Moreman "Passing It On The Army In India &The Devlopment Of Frontier Warfare 1849-1947.,Thesis submitted for the degree of Doctor of Philosophy, King's College, University of London. pp 20-25

¹⁴ *The Durand line* ,pp 244-245

¹⁵ Ibid ,p 246

¹⁶ Ibid,p 248.

¹⁷ Miller,Khyber,pp 85-86.

¹⁸ Mujtaba ,Razvi, *The Frontiers of Pakistan, a Study of Frontiers Problem in Pakistan Foreign Policy* {National Publishing House,Karachi,1971}pp,144-145.

*of the khanates north of the Oxus, including areas once under the suzerainty of the Amir of Kabul. Neither the British nor the Russians consulted the Amir in making the arrangement."*¹⁹

Second Anglo-Afghan War

Second Afghan War started because in London the policy makers now adopted the forward policy. 'coming of the Conservatives in power in 1874. Lord Lytton became the new Governor General in India. The Forward Policy was pursued {by new governor General Lytton} and the tension grew... a mission under Neville Chamberlain left for Afghanistan, but on 25 August 1878 it was not permitted by the Afghan soldiers at the Khyber Pass to enter Afghanistan'²⁰

Thus a military expedition was carried out 'to remove all anxiety about India's north western frontier... decision for war has been taken'²¹. The war itself was a replica of first Anglo Afghan war ,however reinforcement from India finally compelled the Yakub Khan{son of Sher Ali who had fled Afghanistan} the Amir of Kabul to a treaty signed at Gandamask ,a British military camp approximately 79 miles south west of Kabul on 30th May 1879.

Treaty of Gandamask

From the day of the exchange of the ratifications of the present Treaty there shall be perpetual peace and friendship between the British Government on the one part and His Highness the Amir of Afghanistan and its dependencies, and his successors, on the other.

His Highness the Amir of Afghanistan and its dependencies engages, on the exchange of the ratifications of this Treaty, to publish a full and complete amnesty, absolving all his subjects from any responsibility for intercourse with the British forces during the war, and to guarantee and protect all persons of whatever degree from any punishment or molestation on that account.

His Highness the Amir of Afghanistan and its dependencies agrees to conduct his relations with Foreign States in accordance with the advice and wishes of the British Government. His Highness the Amir will enter into no engagements with Foreign States, and will not take up arms against any Foreign State, except with the concurrence of the British Government. On these conditions the British Government will support the Amir against any foreign aggression with money, arms, or troops, to be employed in whatsoever manner the British Government may judge best for this purpose. Should British troops at any time enter Afghanistan for the purpose of repelling foreign aggression, they will return to their stations in British territory as soon as the object for which they entered has been accomplished.

¹⁹ Anila ,*Russo-Afghan Boundary*, pp 10-11.

²⁰ Dr Sultan-I-Rome *The Durand Line Agreement (1893): Its Pros and Cons* ,
WWW.VALLEYSWAT.NET, accessed on 26th January , 2011

²¹ Durand line ,pp 110-112 also see Aslam Khattak, *A Pathan Odyssey*, {Oxford,Karachi,2000} pp,70-71. Also see,Muhammad Qaiser Janjua. ["In the Shadow of the Durand Line; Security, Stability, and the Future of Pakistan and Afghanistan"](#). Naval Postgraduate School, Monterrey, California,pp 66-67.

With a view to the maintenance of the direct and intimate relations now established between the British Government and His Highness the Amir of Afghanistan, and for the better protection of the frontiers of His Highness's dominion, it is agreed that a British Representative shall reside at Kabul, with a suitable escort, in a place of residence appropriate to his rank and dignity. It is also agreed that the British Government shall have the right to depute British Agents with suitable escorts to the Afghan frontiers, whensoever this may be considered necessary by the British Government in the interests of both States, on the occurrence of any important external fact. His Highness the Amir of Afghanistan may on his part depute an Agent to reside at the Court of His Excellency the Viceroy and Governor-General of India, and at such other places in British India as may be similarly agreed upon.

His Highness the Amir of Afghanistan and its dependencies guarantees the personal safety and honourable treatment of British Agents within his jurisdiction; and the British Government on its part undertakes that its Agents shall never in any way interfere with the internal administration of His Highness's dominions.

His Highness the Amir of Afghanistan and its dependencies undertakes, on behalf of himself and his successors, to offer no impediment to British subjects peacefully trading within his dominions so long as they do so with the permission of the British Government, and in accordance with such arrangements as may be mutually agreed upon from time to time between the two Governments.

In order that the passage of trade between the territories of the British Government and of His Highness the Amir of Afghanistan may be open and uninterrupted, His Highness the Amir of Afghanistan agrees to use his best endeavours to ensure the protection of traders and to facilitate the transit of goods along the well-known customary roads of Afghanistan. These roads shall be improved and maintained in such manner as the two Governments may decide to be most expedient for the general convenience of traffic, and under such financial arrangements as may be mutually determined upon between them. The arrangements made for the maintenance and security of the aforesaid roads, for the settlement of the duties to be levied upon merchandise carried over these roads, and for the general protection and development of trade with and through the dominions of His Highness, will be stated in a separate Commercial Treaty, to be concluded within one year, due regard being given to the state of the country.

With a view to facilitate communications between the allied Governments and to aid and develop intercourse and commercial relations between the two countries, it is hereby agreed that a line of telegraph from Kurram to Kabul shall be constructed by and at the cost of the British Government, and the Amir of Afghanistan hereby undertakes to provide for the protection of this telegraph line.

In consideration of the renewal of a friendly alliance between the two States which has been attested and secured by the forgoing Articles, the British Government restores to his Highness the Amir of Afghanistan and its dependencies the towns of Kandahar and Jelalabad with all the territory now in possession of the British armies, excepting the districts of Kurram, Pishin and Sibi. His Highness the Amir of Afghanistan and its dependencies agrees on his part that the districts of Kurram and Pishin and Sibi, according to the limits defined in the schedule annexed, shall remain under the protection and administrative control of the

British Government : that is to say, the aforesaid districts shall be treated as assigned districts, and shall not be considered as permanently severed from the limits of the Afghan kingdom. The revenues of these districts, after deducting the charges of civil administration, shall be paid to His Highness the Amir.

The British Government will retain in its own hands the control of the Khyber and Michni Passes, which lie between the Peshawar and Jelalabaddistricts, and of all relations with the independent tribes of the territory directly connected with these passes. For the further support of His Highness the Amir in the recovery and maintenance of his legitimate authority, and in consideration of the efficient fulfillment in their entirety of the engagements stipulated by the foregoing Articles, the British Government agrees to pay to His Highness the Amir and to his successors an annual subsidy of six lakhs of Rupees.

Done at Gandamak, this 26th day of May 1879, corresponding with the 4th day of the month of Jamadi-us-sani, 1296 A. H.

AMIR MAHOMMED YAKUB KHAN

N. CAVAGNARI, Major²²

Despite the treaty the Afghans again revolted and scenes similar to First war were reenacted , ‘A rebellion took place and the Mission's members were killed on 3rd September 1879’²³ the British thus concluded that without having a King in Afghanistan who is reliable to their cause and also accepted to the Afghans problem of Afghanistan will remain agitated, Yakub Khan was put into exile in India. The British Viceroy in India, Edward Robert Lytton Bulwer had three choices: to annex Afghanistan and declare it a part of the British Empire, to make Afghanistan a strong British ally, or disintegrate Afghanistan into small independent states. All these options were rejected by London,²⁴ and instead Abdur Rehman nephew of Sher Ali who had been in exile in Russia was put on throne on 22 July 1880.

There are certain historical accidents which change the course of history, sometimes small inconspicuous villages and at times even lone house can alter the course of time. Merv a small village town on the North of Afghanistan was the first of such event, it had a strategic importance as it controls the trade routes leading to Herat from Russian Central Asian sphere, it was occupied by the Russians in May 1884 and next year Russians troops entered into a desolate village the PanjDeh{Five Villages} both events occurred on the Russo-Persian border and it again created an alarm in the British military. ‘Lt. General Edward Hamley of the Royal Artillery, read a paper on 'Russia's approaches to India' at the Royal United Service Institution, pointed out the dangers of the Indus frontier and advocated an advance to Kandahar and the river Helmund as a countermove’²⁵ Durand Line. Abdur Rehman was a bold ruler and he tried to assert his authority over the areas which were historically under Afghanistan but all his actions were seen in the background of simultaneous Russian movements ,for instance in 1882, Abdur Rehman laid claim to Chitral, {rejected by the British}. In 1886, his forces occupied Chageh (in Baluchistan) but the British forces

²² Azmat, *Durand Line*, Appendix p 244

²³ Sultan Rome, *Durand Line* 1893, p 36.

²⁴ Abdur Rehman Khan,” http://www.1911encyclopedia.org/Abdur_Rahman_Khan

²⁵ Banali, *Russo-Afghan Treaty*, p 37

uprooted and evacuated the Afghans. In 1888, he interfered in Bajour and Swat. Durand, the Foreign Secretary of India, wrote to the Viceroy:

‘We are getting bad news all along the border, from the Black Mountain to the Waziri territory. The Amir is threatening Kurram, and the Afridis are in a very shaky condition.... Finally, when the Viceroy felt the need to meet with the Amir, he made an intelligent move and wrote to the Amir, “...whether you accept this offer or not, it will be necessary to decide what territory does, and what does not form part of the kingdom of Afghanistan’.²⁶

Abdur Rehman resisted the mission on one pretext or the other and finally agreed to receive the British mission, under the foreign secretary of state Mortimer Durand. The main issue from Abdur Rehman’s point of view was his insistence on having the Yaghistan [Chitral, Bajaur, Swat, Dir, Chilas, and Waziris] under his influence

He wrote to the Viceroy that: “... *But if you should cut them out of my dominions, they will neither be of any use to you nor to me: you will always be engaged in fighting or other troubles with them, and they will always go on plundering. As long as your Government is strong and in peace, you will be able to keep them quiet by a strong hand, but if at any time a foreign enemy appears on the borders of India, these frontier tribes will be your worst enemies In your cutting away from me these frontier tribes, who are people of my nationality and my religion, you will injure my prestige in the eyes of my subjects, and will make me weak, and my weakness is injurious to your Government.*”²⁷ Viceroy Lord Lansdowne replied ‘British government had always dealt directly with the Waziri tribe and would continue to do so’.²⁸

The “Durand Line Agreement” between Abdur Rehman and Durand was signed on November 12, 1893, which formulated the formal borders between British India and Afghanistan.

Text of the Agreement: Whereas certain questions have arisen regarding the frontier of Afghanistan on the side of India, and whereas both His Highness the Amir and the Government of India are desirous of settling these questions by friendly understanding, and of fixing the limit of their respective sphere of influence, so that for the future there may no difference of opinion on the subject between the allied Governments, it is hereby agreed as follow:

- 1. The eastern and southern frontier of His Highness's dominions, from Wakhan to the Persian border, shall follow the line shown in the map attached to this agreement.*
- 2. The Government of India will at no time exercise interference in the territories lying beyond this line on the side of Afghanistan, and His Highness the Amir will at no time exercise interference in the territories lying beyond this line on the side of India.*
- 3. The British Government thus agrees to His Highness the Amir retaining Asmar and the valley above it, as far as Chanak. His Highness agrees, on the other hand, that he will at no time exercise interference in Swat, Bajaur, or Chitral, including the Arnawai or Bashgal valley. The British Government also agrees to leave to His Highness the Birmal tract as shown in the detailed map already given to His Highness, who relinquishes his claim to the*

²⁶ Sultan Rome, Durand Line, p 8, also see Azmat Hayat, Durand Line, pp 128-131.

²⁷ Azmat, Durand Line, p131.

²⁸ Ibid, p 132.

rest of the Waziri country and Dawar. His Highness also relinquishes his claim to Chageh [Chagheh].

4. The frontier line will hereafter be laid down in detail and demarcated, wherever this may be practicable and desirable, by joint British and Afghan commissions, whose object will be to arrive by mutual understanding at a boundary which shall adhere with the greatest possible exactness to the line shown in the map attached to this agreement, having due regard to the existing local rights of villages adjoining the frontier.

5. With reference to the question of Chaman, the Amir withdraws his objection to the new British cantonment and concedes to the British Government the rights purchased by him in the SirkaiTilerai water. At this part of the frontier the line will be drawn as follows:

From the crest of the KhwajaAmran range near the PshaKotal, which remains in British territory, the line will run in such a direction as to leave MurghaChaman and the Sharobospring to Afghanistan, and to pass half-way between the New Chaman Fort and the Afghan outpost known locally as LashkarDand. The line will then pass halfway between the railway station and the hill known as the MianBaldak, and, turning south-wards, will rejoin the KhwajaAmran range, leaving the Gwasha Post in British territory, and the road to Shorawak to the west and south of Gwasha in Afghanistan. The British Government will not exercise any interference within a mile of the road.

6. The above articles of agreement are regarded by the Government of India and His Highness the Amir of Afghanistan as a full and satisfactory settlement of all the principal differences of opinion which have arisen between them in regard to the frontier; and both the Government of India and His Highness the Amir undertake that any differences of detail, such as those which will have to be considered hereafter by the officers appointed to demarcate the boundary line, shall be settled in a friendly spirit, so as to remove for the future as far as possible all causes of doubt and misunderstanding between the two Governments.

7. Being fully satisfied of His Highness's good will to the British Government, and wishing to see Afghanistan independent and strong, the Government of India will raise no objection to the purchase and import by His Highness of munitions of war, and they will themselves grant him some help in this respect. Further, in order to mark their sense of the friendly spirit in which His Highness the Amir has entered into these negotiations, the Government of India undertake to increase by the sum of six lakhs of rupees a year the subsidy of twelve lakhs now granted to His Highness.²⁹

Amir AbdurRahman had also stated that: "The province of Wakhan, which had come under my dominion, I arranged to be left under the British for protection, as it was too far from Kabul, and cut off from the rest of my country, and therefore very difficult to be properly fortified. The boundary line was agreed upon from Chitral and Baroghil Pass up to Peshawar, and thence up to Koh Malik Siyah in this way that Wakhan, Kafiristan, Asmar, Mohmand of Lalpura, and one portion of Waziristan came under my rule, and I renounced my claims from the railway station of New Chaman, Chageh, the rest of Waziri, BulundKhel, Kuram, Afridi,

²⁹ Azmat,Durand Line, appendix,p 244.

Bajaur, Swat, Buner, Dir, Chilas, and Chitral. The Amir further states that: "The misunderstandings and disputes which were arising about these frontier matters were put to an end, and after the boundary lines had been marked out according to the above-mentioned agreements by the Commissioners of both Governments, a general peace and harmony reigned between the two Governments, which I pray God may continue for ever."³⁰

The actual demarcation took place in following manner.

1. The Khyber Demarcation Commission

The first commission, known as the Khyber Demarcation Commission, was designated for the demarcation of the border from the Safed Koh to the Kabul River. This included the boundary from Chandak (the southern territory of Chitral) to the Kabul River and between the British Kurram territory and the Amir's area of Khost. The map of the Durand Line Agreement virtually divided the Mohmand Agency in two during the demarcation process. The Amir claimed the whole of Kafiristan and maintained that Bangsal Valley was a part of it. The British, on the other hand claimed that Bangsal Valley was part of Chitral Valley. The British ended the deadlock after surrendering Asmar and the Bangsal Valley of Kafiristan to the Amir thus finalizing a 130-mile border from the Hindu Kush to the vicinity of Nawa Kotal

The Kurram-Afghan Commission

The Kurram-Afghan Commission was represented from the British side by the British Commissioner, J. S. Donald and by Sherindil Khan from the Afghan side. The border demarcation from Sikaram to Laram was done with minor adjustments to the Durand Line map in favor of the Afghans. Both the British and Afghan representatives sanctioned this border in mid 1895.³⁷

The Baluch-Afghan Commission

The Baluch-Afghan Commission was responsible for the border demarcation from Domandi to the Iranian border, The boundary from Domandi to Chaman was easily settled by February 16, 1895. The border from Domandi to Persia (the top of Koh-i-Malik-Siah Mountain) was finalized in June, 1896

The Fourth Commission

After the three main Commissions, a fourth Commission was set up under L.W. King to delimit the Afghan frontier on the border of Waziristan in 1894-95 but the actual work did not start until early 1895. He claimed that historically Mitai and Mohmand had always been under Afghanistan's jurisdiction. He further claimed that there was no mention of Mohmand in the Durand Line Agreement. the Secretary of State stated that the boundary south of Kabul was not an urgent issue, proposed the division of Mohmand into two between Afghanistan and British India.

1900-1947

The treaty was rectified in 1905,1919,1920 and 1921 with certain amendments, there were minor adjustments made but no major change was incorporated, however the Third Afghan

³⁰ Ibid,pp,134-144. Also see,Muhammad Qaiser Janjua. ["In the Shadow of the Durand Line: Security, Stability, and the Future of Pakistan and Afghanistan"](#). Naval Postgraduate School, Monterrey, California,pp 79-82.

War of 1919 and again Kabul crisis of 1929 demonstrated that despite having a treaty the wars cannot be eliminated..

Post 1947

Pakistan came through a political process in which the Muslim League headed by Jinnah represented the case of Muslims of India for a separate homeland in which the Muslim majority areas of western and eastern India were to be made sovereign, this idea was not shared by the Pathans representatives in the assembly of province{NWFP was made a separate province under 1935 Act of India}frontier was ruled by the coalition of Congress which was in opposition to the Jinnah's idea of freedom and Punjab also had a Muslim unionist coalition party. NWFP was not given the same privileged as given to Sindh,Punjab and Bengal where the provincial assemblies were to decide on the question of accession, rather through a referendum in which the people voted to join the Pakistan instead of joining the India, however the Congress leaders Bacha Khan raised the question of giving the Pushto speaking people the choice of joining their linguistic brethren Afghans³¹. Soon after independence the congress ministry in frontier of Dr khan sahib was dissolved ' dismissal of ministry by a dictatorial order was neither desirable nor constitutionally correct'³²

Pakistan and Afghanistan thus inherited a culture of distrust, Pathans were seen as non patriotic, they were not part of the main stream politics which revolved around the Urdu speaking population of United Provinces and by the Bengalis.Treason charges were formed against the Bacha Khan and later his son Wali Khan was also put under arrest in 1970's. The West Pakistanis especially the Punjabis were not willing to accommodate the Pathan culture and till 2008 the name of province remained as NWFP and it was only through an amendment in the constitution that the whole Pashtun Issue that has been the Achilles Heel of Pakistani politics and the major trump card of Afghanistan and India to destabilize has been made redundant.

Pakistan and Afghanistan soon after independence remained hostile to each other in which Afghanistan tried to challenge the legality of the Durand Line and for that matter all the treaties that it signed with the British India.

Indian Act Of Independence 1947,passed by the British Parliament on 18th July 1947 states. 'there lapse also any treaties or agreements in force at the date of the passing of this Act between His Majesty and any persons having authority in the tribal areas, any obligations of His Majesty existing at that date to any such persons or with respect to the tribal areas, and all powers, rights, authority or jurisdiction exercisable at that date by His Majesty in or in relation to the tribal areas by treaty, grant, usage, sufferance or otherwise:.... the suzerainty of His Majesty over the Indian States lapses, and with it, all treaties and agreements in force at the date of the passing of this Act between His Majesty and the rulers of Indian States, all functions exercisable by His Majesty at that date with respect to Indian States, all obligations of His Majesty existing at that date towards Indian States or the rulers thereof, and all powers, rights, authority or jurisdiction exercisable by His Majesty at that date in or in relation to Indian States by treaty, grant, usage, sufferance or otherwise'³³.

However The International Law in Article 62 of the Vienna Convention, on the Law of Treaties states, "It is accepted by all that whenever a new country or state is carved out of an

³¹ Khattak,Aslam,*Pathan Odyssey* , pp54

³² Ibid, p57.

³³ <http://www.legislation.gov.uk> *Indian Independence Act 1947 {accessed on 3rd January 2011}*

existing colonial dominion; all the international agreements and undertakings that the previous ruler of the region had entered into would be transferred to the new independent national government."³⁴

Conclusion. Goldsmid Line Vs Durand Line

Pakistan since independence has redrawn his old borders inherited from British India with Iran and China{Indian Borders were marked after independence on 17th August 1947}. In case of Iran{Goldsmid Line} an adjustment of area has been made in which over 310 square miles of area has been given to Iran and with China a treaty was signed in 1963 in which over 2000 square kilometers area has been adjusted by conceding it to China . The Iranian border settlement sharply contrasted with the Pakistan's attitude towards Afghanistan, and it is logical to suspect that the cultural alienation is the key in this indifference.

Pakistan inherited almost 590 miles of border with Iran{Goldsmid Line}, British India had entered in treaty with Iran over the borders in 1871, 1896 and 1905³⁵, importantly the railway terminus of Zahidan was legally under the control of Pakistani government on transfer of power and soon after independence clashes took place between Pakistani and Iranian troops but were never reported in the press³⁶ a sharp contrast to the Durand Line affairs. Pakistan withdrew its passport officials 87 miles behind the border and later withdrew Chagai militia to Jozak 11 miles inside border³⁷. Later Iran bought all the property of Pakistan nationals as no foreigner is allowed to purchase land in Iran. Pakistan government also transfer Mirjawa- Zahidan sector of Pakistan Western Railways to Iranian Railways .The treaty was signed in 1958 and on 16th July 1963 the transfer of territory was completed, later opposition parties raised questions in assembly over transferring of territory to Iran, the government reply was 'it is not a fact that Pakistan had given away 3000 square miles to Iran ,we agreed to give to Iran 310 square miles of its territory which had been forcibly occupied by the British'.³⁸

Thus it is very much obvious that Durand Line issue has more to offer than merely a border issue. It is a sharp contrast to Pakistan's attitude towards the Persians than towards the Afghanis and it is due to cultural influence. 'It is fair to say that next to Islam the Iranian cultural tradition exercised perhaps most decisive and penetrating influence on both East and West Pakistan'.³⁹

³⁴ . "Vienna Convention on the Law of Treaties". United Nations. Accessed on 26th January 2011. <http://www.un.org/law/ilc/texts/treaties.htm>

³⁵ Razvi, Frontiers ,p205

³⁶ Ibid,p207

³⁷ Ibid,p 206

³⁸ Ibid,p209.

³⁹ Ibid,p 204.

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